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TECH CENTER 16

DECLARATION OF FRANK PAGANO : 37 C.F.R. 1.132



I, Frank Pagano, co-inventor of the above mentioned application, hereby declare that:

1. I prepared the following compositions:

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Polymer	Formula 1	Formula 2	Formula 3
A*	70.00	----	----
B*	----	100	----
C*	----	----	70.00
Butyl acetate	30.00	----	30.00

A\* - polymer solution comprised of a polymer containing 70% butyl methacrylate, 20% acetoacetoxyethylmethacrylate, and 10% acrylic acid, (50% solids) in a 80/20 mixture of ethyl acetate and butyl acetate (50%).

B\* - a polymer solution comprised of a polymer containing 80% butyl methacrylate and 20% acetoacetoxyethylmethacrylate (50% solids) in an 80/20 mixture of ethyl acetate and butyl acetate (50%).

C\* - a polymer solution comprised of 90% butyl methacrylate and 10% acrylic acid (50% solids) in a 80/20 mixture of ethyl acetate and butyl acetate (50%).

2. I then applied one coat of Naitiques Formula #2 nail hardener to my pinky, ring, and middle finger on the left hand and allowed it to dry. The ingredient list on the Naitiques Formula #2 nail hardener is reproduced below:

*Butyl acetate, ethyl acetate, toluene, nitrocellulose, tosylamide formaldehyde resin, isopropyl alcohol, diobutyl phthalate, acrylic resin, formalin, hydrolyzed protein, calcium, hydrolyzed keratin, gelatin.*

The ingredient formalin is an aqueous solution of 37% formaldehyde in water, so it is a formaldehyde containing product. Then, 2 coats of Formula 1 (above) were applied to my pinky

finger, two coats of Formula 2 to my ring finger, and two coats of Formula 3 to my middle finger.

After twenty four hours I observed yellowing on the nails of my pinky and ring fingers (having Formula 1 and Formula 2 applied thereto respectively) were yellowed. The nail on my middle finger (having Formula 3 applied thereto) did not exhibit any sign of yellowing.

I then prepared the following composition:

1.5 parts of 37% aqueous solution of formaldehyde

48.5 parts water.

The final concentration was 1.11% formaldehyde. I applied this composition to the index and thumb nails of my left hand and let it dry. I then applied two coats of Formula 1 to the nail on my index finger and two coats of Formula 3 to my thumb nail. I let the compositions dry. After 24 hours I noticed that the nail of the index finger (having Formula 1 applied) was yellow. My thumb nail (having Formula 3 applied thereto) did not exhibit any sign of yellowing.

After the above tests were completed, I removed the films on all nails of my left hand using Revlon Extra Fast Nail Enamel Remover. Treatment with nail enamel remover did not remove the yellow from the nails on my left hand that had yellowed. The nails that turned yellow remained yellow.

3. The above results show that the claimed compositions containing polymers made from the two specific types of monomers identified do not yellow nails that have been subjected to formaldehyde or formaldehyde based products. On the other hand, the nail enamel composition as taught in Pagano yellows the nails when used on nails that have been treated with

formaldehyde based products. It is most unexpected that the claimed compositions would not yellow formaldehyde treated nails while the nail enamel compositions of Pagano will yellow formaldehyde treated nails.

3. This declaration is made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both under 35 USC 1001, and may jeopardize the validity of the above identified patent application or patent issuing therefrom.

June 27, 2002  
Date

Frank Charles Pagano  
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